

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the PATENT APPLICATION of:

Jacobson et al.

Application No.: 09/888,818

Confirmation No.: 9741

Filed: June 25, 2001

For: ACIDIFIED IMITATION CHEESE SAUCE  
AND PUDDING COMPOSITIONS AND  
METHODS FOR PRODUCING SUCH  
COMPOSITIONS

Group: 1761

Examiner: Not Yet Known

Our File: AFP-PT006.1

Date: November 22, 2002

#  
6/20  
12/21/2

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Madam:

Further to Applicants' duty of disclosure pursuant to 37 C.F.R. §1.56, Applicants wish to bring to the Examiner's attention the material cited on the enclosed PTO-1449 form. Copies of all cited references are enclosed.

The following materials listed on the Form-1449 in the "Other Documents" section are known to the Applicants to have pH levels, total titrateable acidity (TTA) content, protein content, total solids content, and moisture phase acidity (MPA) level as set forth in the table below. While the Applicants do not necessarily contend that the listed compositions are "prior art" under any subsection of 37 C.F.R. §102, the information is supplied in order to comply with Applicants' duty of good faith and

candor under 37 C.F.R. §1.56.

Unless otherwise indicated, Applicants only tested a single sample and do not represent that the test results are necessarily applicable to the product in general. Applicants also do not represent that the testing methods used are standard industry practice.

	pH	TTA(%)	Protein	Total Solids (wt%)	MPA
CAMPBELL'S ® Tomato Bisque Soup (condensed/undiluted)	4.02	0.63	1.86	22.10	0.81
CAMPBELL'S ® Tomato Soup (condensed/undiluted)	4.08	.065	1.75	18.89	0.80
CAMPBELL'S ® Cream of Mushroom Soup (condensed/undiluted)	6.16	0.18	1.32	15.78	0.21
CAMPBELL'S ® New England Clam Chowder Soup (chunky-style/undiluted)	6.07	0.16	2.69	16.97	0.19
CAMPBELL'S® Cream of Potato Soup (condensed/undiluted)	5.71	0.14	1.65	16.92	0.17
VLASIC FOODS® OPEN PIT® Original Bar-B-Que Sauce	3.09	2.96	0.50	34.62	4.53
KRAFT® Honey Bar-B-Que Sauce	3.11	2.50	0	41.78	4.29
HUNT'S® SNACK PACK® Puddin' Pies™ (lemon meringue)	3.54	0.42	0	31.00	0.61
JELL-O® Fat-Free Pudding Snacks (chocolate)	6.81	0.11	2.07	24.00	0.14
HUNT'S® SNACK PACK® Juicy Gels® (strawberry)	4.08	0.54	0.07	25.79	0.73
LUCKY LEAF® Apple Sauce	3.58	0.42	0	11.86	0.48
KRAFT® HANDI-SNACKS® Pudding (tapioca)	6.50	0.07	1.36	25.46	0.09
KRAFT® HANDI-SNACKS® Pudding (butterscotch)	6.28	0.06	1.43	27.64	0.08
SWISS MISS® Lemon Merinque Pudding (Stirred)	3.58	0.48	0	30.86	0.69
JELL-O® Gelatin Snacks (strawberry orange)	3.82	0.52	0.18	19.38	0.65
KRAFT® ROKA® Blue Cheese Salad Dressing	3.56	1.75	1.80	53.16	3.84

	pH	TTA(%)	Protein	Total Solids (wt%)	MPA
KRAFT® FREE® Blue Cheese-Flavored Salad Dressing	3.12	1.04	1.40	39.16	2.30
KRAFT® FREE® Ranch Salad Dressing	3.31	1.16	1.55	37.51	2.48
HELLMAN'S® Real Mayonnaise	3.77	0.83	0.40	82.06	2.23
WISH BONE® Thousand Island Salad Dressing	3.34	1.16	1.79	63.75	4.94
KRAFT® Zesty Italian Salad Dressing	3.16	0.27	1.87	39.17	3.07
HENRI'S Fat-Free French-Style Dressing	3.58	0.21	1.32	38.76	2.16
CAMPBELL'S® Fiesta Nacho Cheese Soup	5.41	.48	3.77	20.50	
CAMPBELL'S® Cheddar Cheese Soup	5.10	.38	2.55	18.61	
CAMPBELL'S® Tomato Soup	4.12	.63	1.55	19.37	
CAMPBELL'S® Cream of Chicken	6.19	.09	2.23	16.73	
KRAFT® Original BBQ	3.18	2.81	0	31.69	

The pH of the above compositions was determined using an Orion Model 811 micro-processor pH/meter using the standard instructions for use.

The total titrateable acidity (T.T.A.) of the compositions above was determined as follows: five grams of the sample composition was mixed with 45 ml. of deionized water. Subsequently, a 0.1N solution of sodium hydroxide was added drop-wise into the sample/water mixture until a pH of 8.1 was reached. The amount (in ml.) of sodium hydroxide required to raise the sample to 8.1 was reported as the total titrateable acidity.

Protein was determined using a Buchi Kjeldahl nitrogen analyzer:

Total solids were determined by use of the CEM Lab Wave 9000 analyzer using

the standard protocol for operating such analyzer.

Samples of imitation cheese sauce products, having the following composition, were publicly offered by one of the inventors in the application to potential customers between approximately January of 1999 to July of 1999.

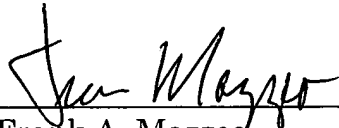
COMPONENT	PERCENT
Water	70.90
Partially hydrogenated soybean oil	8.00
Maltodextrin	6.00
Modified tapioca starch	4.00
Forced ripened cheddar cheese	2.00
Whey protein concentrate (80%)	1.50
Salt	1.30
Jalapeno puree	1.00
Tomato paste	1.00
Enzyme modified cheese flavor	1.75
Sugar	1.00
Yeast extract	0.50
Coloring	0.20
Glucono-o-lactone	0.20
Phosphoric acid	0.20
Sodium benzoate	0.10
Acid phosphate	0.10
Xanthan gum	0.10
Mustard flour	0.10
Mono & diglycerides	0.10
Spice	0.05
TOTAL	100%

**Applicant:** Jacobson et al.  
**Application No.:** 09/888,818

It is respectfully requested that the Examiner consider these documents and return an initialed copy of the PTO-1449 form indicating her consideration of the cited materials.

Respectfully submitted,

Jacobson et al.

By   
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FAM/fap  
Enclosures



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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1761

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/888,818
	Filing Date	June 25, 2001
	First Named Inventor	Jacobson et al.
	Group Art Unit	1761
	Examiner Name	Not Yet Known
Total Number of Pages in This Submission	Attorney Docket Number	AFP-PT006.1

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO-1449 Form (6 pgs.), Copies of 125 cited references.
Remarks		

**RECEIVED**  
DEC 02 2002  
TC 1700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Frank A. Mazzeo Volpe and Koenig, P.C.	Reg. No. 46,259
Signature		
Date	November 22, 2002	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <b>November 22, 2002</b>			
Typed or printed name	Frank A. Mazzeo		
Signature		Date	November 22, 2002

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PTO/SB/17 (10-02)  
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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0

## Complete if Known

Application Number	09/888,818
Filing Date	June 25, 2001
First Named Inventor	Jacobson et al.
Examiner Name	Not Yet Known
Art Unit	1761
Attorney Docket No.	AFP-PT006.1

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

22-0493

Volpe and Koenig, P.C.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent	Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Frank A. Mazzeo	Registration No. (Attorney/Agent)	46,259	Telephone	215-568-6400
Signature		Date	November 22, 2002		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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